

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Burnt Prairie Post Office
Burnt Prairie, Illinois

Docket No. A2011-67

PUBLIC REPRESENTATIVE'S REPLY COMMENTS

November 17, 2011

I. INTRODUCTION

This case addresses Steven L. Whetstone's appeal of the Postal Service's decision to close the Burnt Prairie, Illinois Post Office 62820. Burnt Prairie is a village located in White County in southern Illinois. The official county website indicates this community was established in the second half of the 19th century, around the same time several other small White County communities were founded by settlers who came for farming and related agricultural pursuits.¹ The village was originally known as Liberty, but was renamed Burnt Prairie (apparently after the larger area in which it was located) and has been called that ever since.²

The Commission accepted the Whetstone's petition and published notice thereof in the *Federal Register*.³ The Whetstone Petition was accompanied by a letter that forthrightly describes the importance of the community's local brick-and-mortar post office to Mr. Whetstone's new and, so far, thriving e-commerce business which, doing

¹ Accessed at <http://www.whitecounty-il.gov/>.

² Historical sources indicate that although this part of Illinois is in the fertile Central Plains, Native Americans had repeatedly burned forested areas for hunting purposes. Settlers referred to these treeless areas as "prairies." See <http://wayne.ilgenweb.net/history/books/old-timers/early-leech.htm>.

³ Commission Order No. 851, Notice and Order Accepting Appeal and Establishing Procedural Schedule, September 13, 2011. Order No. 851 appears at 76 FR 58057 (September 19, 2011).

business as Steve's Music Ship, deals in harmonicas, banjos, mandolins, violins, steel guitars, and drums. Administrative Record, Item No. 22 at 10. The shop has a national and international clientele. The Whetstone Letter was also attached to Petitioner Whetstone's returned questionnaire. See Administrative Record, Item No. 22 at 9.

Many citizens and customers of the Burnt Prairie Post Office signed a petition that was submitted to Ms. Sherry Porter, Acting Manager, Consumer Affairs, in the Postal Service's St. Louis Missouri office. See *id.*, Item No. 27 at 1-9.^

In his Letter, Mr. Whetstone notes that he invested over \$100,000 in 2010 to build a new building and start an e-commerce business. He adds: "Without the Post Office in Burnt Prairie I would never have started this project. The Burnt Prairie Post Office is vital to the success of my business." *Id.*, Item No. 22 at 9. (April 25, 2011 Whetstone Letter).

Mr. Whetstone also says:

If things continue like they have the first quarter of 2011,
I will spend between \$3,000.00 and \$3,600.00 in this year
at the Burnt Prairie Post Office.

He adds: "My business is growing every day, but without the Burnt Prairie Post Office I am very very concerned about its future."

Petitioner Whetstone subsequently filed a timely Participant's Statement in which he addresses several concerns about the consistency of the Postal Service's decision to close the Burnt Prairie Post Office with applicable standards. (See Participant Statement/September 22, 2011).

II. COMMISSION'S ROLE

The Commission's role in "A" cases is sometimes likened to that of an appellate court. The Commission is aware of its statutory role and of the applicable standards and law; therefore, the recitation at pages 6-7 of Part IV of the Reply Comments of the

Public Representative in Docket No. A2011-37, Thayer, Iowa is incorporated by reference in this document.

III. CURRENT AND PROPOSED POSTAL OPERATIONS IN BURNT PRAIRIE

Current operations. The Burnt Prairie Post Office is an EAS 55 office. Administrative Record/Docket No. A2011-67 (AR), Item No. 1. It is open 6 days a week. Window service and lobby hours are from 7 a.m. to 1:30 p.m. Monday through Friday. Window serviced and lobby hours are from 7 a.m. to 10:30 a.m. on Saturday. The Post Office has been managed by a noncareer postmaster relief since the Postmaster's retirement on September 30, 2007. *Id.* Recent data compiled for purposes of the discontinuance study indicate the post office serves 95 customers: 19 post office box customers and 76 intermediate rural box customer. AR, Item Nos. 8 and 13. Recent revenue appears in the following table.

Table 1
Burnt Prairie Post Office Revenue

FY 2008	\$ 8890
FY 2009	\$ 8057
FY 2010	\$ 9123

Source: AR, Item No. 18

The recent year-over-year increase (FY 2010 over FY 2009) in revenue is 13.23 percent.

Consistent with the Postal Service's practices to date, it bases annual savings estimates on a Postmaster's salary and benefits, not the temporary employee's pay (regardless of how long there has been a temporary employee). In this case, a revised estimate uses a salary midpoint.

Proposed operations. The Postal Service plans to provide Burnt Prairie residents with rural route service out of the Mill Shoals Post Office, which is an EAS 11 office. *Id.*, Item No. 18. However, some patrons may be provided with cluster box units (CBUs). Mill Shoals is about 5 miles away from Burnt Prairie. It currently offers window and lobby service 6 days a week and stays open for a few more hours per week than the Burnt Prairie Post Office. *Id.*; see also Item No. 21. However, as the following discussion indicates, the Mill Shoals Post Office may also be closed as part of the Postal Service's current cost-reduction effort.

IV. POSTAL SERVICE'S ASSESSMENT OF ISSUES

The Postal Service observes that its decision to close the Burnt Prairie Post Office is based on the postmaster vacancy; minimal workload; low office revenue; the variety of delivery and retail options (including the convenience of rural delivery and retail service); very little recent growth in the area; minimal impact upon the community; and the expected financial savings. Postal Service Comments at 5. It says regular and effective postal services will continue to be provided to the Burnt Prairie community in a cost-effective manner upon implementation of the final determination. *Id.*

The Postal Service asserts that Petitioner Whetstone's appeal raises three main issues:

- impact on effective and regular postal services to the community;
- the effect of the closing on the community; and
- economic savings.

United States Postal Service Comments Regarding Appeal, October 24, 2011, (Postal Service Comments) at 1. It further asserts that it gave these three points and other issues, including the impact upon postal employees, serious consideration. It therefore

maintains that the determination to discontinue the Burnt Prairie Post Office should be affirmed. *Id.* at 1-2.

Petitioner Whetstone questions the Postal Service's consistency with procedural requirements, given the omission of the time and location of the community meeting from the original notice and disputes the validity of the annual savings estimate, given the use of a Postmaster's salary rather than that of a temporary employee. He also expresses concern about shipping and receiving packages, obtaining special services, and mail security. Other concerns are whether the location of his physical address will accommodate installation of a roadside box and the possibility that the Mill Shoals Post Office might close. The Postal Service dismisses each of these concerns as having no real bearing on "effective and regular service" to Mr. Whetstone or to other patrons, as they can use the rural carrier or a CBU for most transactions or travel to Mill Shoals.

V. ASSESSMENT OF THE INTERESTS OF THE GENERAL PUBLIC IN THIS CASE

Petitioner Whetstone's Participant Statement supplements his original Petition and Letter and clearly and unemotionally lays out his concerns. But there should be no mistake: Mr. Whetstone and many other patrons of the Burnt Prairie Post Office seek to have the Postal Service's decision remanded not out of nostalgic yearning for the early years of the village's settlement, but because they are active, modern-day postal patrons who *like* and *regularly use* the Postal Service. They would prefer to continue to rely on the Postal Service rather than on alternative providers, such as Fed Ex. And, as shown earlier, even as the Nation's economic growth continued to languish, the Burnt Prairie Post Office registered over a 13 percent increase in revenue. Petitioner Whetstone's business undoubtedly accounted for some of that increase, and may account for a large portion of 2011 revenue, based on anticipated spending of between \$3000 and \$3500 at the Post Office. Even if 2011 revenue were flat, the lower estimate for Steve's Music Shop is almost a third of last year's revenue.

The Postal Service cannot keep a post office simply on the strength of anticipated revenue from one or two large customers, such as Petitioner Whetstone and Lewis Scrap Metal LLC. However, it is not clear from the Administrative Record whether the Postal Service's decision rationale appropriately differentiates between local businesses that might rely very little on a post office and those, such as emerging e-commerce businesses and old-line enterprises (like Lewis) that expect to continue to rely on the Postal Service for certain ongoing transactions. This is evidenced in the Postal Service's response to questionnaire concerns expressing the view that people will still use "local businesses" even if the Burnt Praire Post Office closes. This seems to ignore the fact that at least one of the local businesses has an Internet-based business, and likely has more non-local customers than local ones. And it is the proprietor of the e-commerce who needs and wants to use the local Post Office on a daily basis, more so than his far-flung customers.

The Postal Service Comments attempt to address this concern, but it is the Administrative Record that was before the ultimate decisionmaker at the Postal Service that counts. And the record seems devoid of any active recognition of the dynamics of e-commerce, especially one that is an active customer.

VI. DISCUSSION

A. Overview

The interests of the general public in appeals of post office closings coincide with many of the points the Petitioner and respondents to the questionnaire raises, as they center on due process considerations. The absence of an assessment of the closing on e-commerce was addressed above and is not repeated. Therefore, the remaining discussion elaborates on:

- the adequacy of notice to the community;

- the use to which Postal Service-conducted surveys are put;
- clarity as to the future provision of services; and
- the adequacy of the Postal Service's response to an inquiry about alternative involving reduced hours.

Prior to addressing these matters, brief attention will be paid to clarifying the record on one point: the Postal Service's statement that the Petitioner attached a "purported" newspaper article related to Mill Shoals.

A. Provenance of the Newspaper Article

The Postal Service notes that Petitioner Whetstone raises the concern that the Mill Shoals Post Office is under review for possible closure. It says:

In support of this argument, Petitioner attached what purports to be a newspaper article, although the name of the publication and the date of the article are not apparent. Nevertheless, what is significant is that at this time, while a community meeting may have been held regarding the Mill Shoals Post Office, there has been no written proposal to close that location.

Postal Service Comments at 8.

A brief telephone conversation between the undersigned and Petitioner Whetstone and an equally brief visit to the Commission's Docket Section quickly solved the question of the legitimacy of the newspaper article. It appeared on page 1 of the Monday, September 19, 2011 edition of the Wayne County Press (in Fairfield, Illinois) and is captioned: "Mill Shoals Postal Patrons To Be Sent To Burnt Prairie."

Petitioner Whetstone had, in fact, filed a complete copy of the September 19, 2011 edition with the Commission's Docket Section, where it resides in a hard copy file associated with Docket No. A2011-67. This file is available to the public, although it appears there is no reference to it in the electronic file. It seems to have been

“orphaned” in the transition to electronic filing. In time, as petitioners’s submissions and electronic filing grow more in sync, problems like this are unlikely to occur. In the meantime, should a similar situation occur, any designated Public Representative or the Docket Section Administrator would probably be happy to assist the Postal Service in obtaining information from, or access to, a hard copy file.

This clears up one mystery, but reveals another: namely, why does the referenced newspaper article include this statement: “Strangely enough, postal officials have decided that the Burnt Prairie Post Office will not be closed, and in fact Mill Shoals residents were encouraged to rent boxes at the Burnt Prairie facility, or else put up an outside mail box by the road.”⁴

B. Procedural Error—Omission of Meeting Time and Location from Original Notice

Review of the Administrative Record reveals patrons’ concerns that the meeting time and location were omitted from the original meeting notice. *See generally* AR Item Nos. 32 and 33. The Postal Service asserts that the notice was corrected and distributed to customers the following day. *Id.* at 5-6. It also points out that thirty customers, including the Petitioner, attended the community meeting, apparently as evidence that the patrons had sufficient actual notice of the meeting’s time and location. *Id.* at 6.

The Postal Service’s prompt efforts to fix its original mistake may legitimately preclude a remand for a procedural deficiency; however, it is understandable that the patrons would feel like they had been given short shrift in the form of disinterest in even “filling in the blanks” on a stock notice.

⁴ A telephone call to the business and editorial offices of the Wayne County Press reveals that it holds an active Periodicals mailing permit and publishes twice a week (on Mondays and Thursdays). A representative of The Wayne County Press said the newspaper does not have any record of receiving a Postal Service response to the article challenging its accuracy.

C. Postal Service-conducted Surveys

The Postal Service typically conducts several types of surveys in discontinuance studies. These generally garner little attention, and it is unclear how much they really add to the record, as the period is brief (two weeks) and apparently selected on an ad hoc basis. Thus, they would seem to have no statistical validity. The Postal Service nevertheless relies on certain data in these surveys to support its decision, such as the representation that the Burnt Prairie Post Office had “13 retail customers for approximately 14 minutes per day. Postal Service Comments at 2 (*citing Window Transaction Survey*). Missing, however, is any acknowledgement elsewhere in the Administrative Record that any other survey data was considered. In the case of Burnt Prairie, the data provide an interesting window on operations. Specifically, the Survey of Incoming Mail for Burnt Prairie (conducted the last week of January and the first week of February of this year, during the heart of the Midwest winter) shows that 47 Priority Parcels and 39 Standard Parcels were recorded. AR, Item No. 11. And for First-Class Mail, 2,687 letters and 1383 flats were recorded. *Id.* This is not quite double the number of Standard letters recorded, and slightly more than number of Standard Flats. *Id.* These numbers, even as a snapshot, may point to reasons why the Petitioner and other patrons of the Burnt Prairie Post Office are so concerned about parcel shipping, parcel delivery and access to special services if their post office closes.⁵ This may also indicate why they express concerns about future mail security, notwithstanding an excellent record so far.

⁵ The Parcels column appears to incorporate an error: the total shows a count of 47 for Priority Parcels (identical to the Incoming Survey count for this type of mail piece), for an average of 3.9, despite individual daily counts that seem to sum to 9. *Id.* If the lower total were used, the daily average would also be lower. It is understandable that some errors will occur in preparing the Administrative Record, and this one does not appear to materially affect the decision to close. It may point to a need for more attention to detail as circumstances permit, as does the omission of the location and time of the community meeting.

D. Clarity Regarding Provision of Post-Closing Postal Services

Petitioner Whetstone's concern that the Mill Shoals Post Office might also be closed appears to be a legitimate concern, and the Postal Service's "reassurance" that the Petitioner and others will be given the opportunity to once again file comments (if this turns out to be true) rings hollow. This is not the first "A" case in which the successor post office has been mentioned as being a candidate (or potential candidate) for closing. It would be useful if the Postal Service were able to give some consideration to this phenomenon, and develop an appropriate response.

E. Standard Responses to "Non-Standard" Question

In this case, one of the respondents to the questionnaire asked about shorter hours as an alternative to wholesale closing. This inquiry has also been raised in other "A" cases. Like the situation where patrons may face serial post office closings, it would be useful if the Postal Service would develop a response that addresses this question. The Postal Service may have valid reasons for not considering this alternative. As it is, the Administrative Record in the Burnt Prairie case is silent on this point.

VII. CONCLUSION

Review of the Administrative Record leaves the impression that the Postal Service has addressed the requirements associated with post office closings and appeals, but in a perfunctory fashion. The Administrative Record manifests little appreciation for the impact on the Petitioner's e-commerce business, which has a business model unlike most local businesses. In addition, the possibility that the Mill Shoals Post Office may be closed is not addressed on the Administrative Record, and is treated cavalierly in the Postal Service Comments. ("Let them file comments again.")

The Postal Service has a long history of exemplary service to communities throughout the Nation. In this instance, despite trying financial circumstances and the need to focus on the big picture, remanding the case for an appropriate evaluation of the impact on e-commerce-based business and old-line companies like the Lewis Scrap Metal LLC would improve the record.

Respectfully Submitted,

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